THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.16996 of 2005

02-08-2005

Between:

Indur College of Education, Atchanpally, Bodhan, Nizamabad District, rep. By its Correspondent Sri.D.Thomasaiah, s/o Showraiah, age: 36 years, R/o Bodhan, Nizamabad District.

... PETITONER

AND

1.State of Andhra Pradesh, rep. By its Secretary, School Education, Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.16996 of 2005

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the third respondent, Regional Joint Director of School Education, Hyderabad, in not according permission to the petitioner-Management for conversion of seats methodology-wise from 85% minority quota in the leftover seats being filled with non-minority seats as illegal, arbitrary, violative of the provisions of the Constitution of India and consequently to direct the third respondent to accord permission on the proposals of the petitioner-Management for conversion of seats methodology-wise.

According to the petitioner, it started B.Ed., Course under Minority Status. During the course of filling up the seats, certain seats were leftover with regard to certain methodologies, with reference to which, the petitioner-Management made a representation to the third respondent on 26.07.2005 seeking permission to admit non-minority students. However, the third respondent has not passed any orders. It is stated that as per the orders in W.A.No.928 of 2005 and batch, dated 27.04.2005, the Minority Institutions are entitled to fill up the leftover seats with non-minority candidates. However, in view of non-passing of appropriate orders by the third respondent, the petitioner is not in a position to fill up the leftover seats. The learned counsel for the petitioner also referred to the proceedings of the second respondent, the Director of School Education, dated 18.06.2005 clarifying the position of Rule 6 (i) (c) of G.O.Ms.No.26, Education, dated 03.02.2005, (for short 'the Rules') and that it is only the

Regional Joint Director of School Education who is competent to pass appropriate orders. In spite of the same, the third respondent did not pass any orders. Hence, the petitioner sought for appropriate orders.

At the time of hearing, the learned counsel for the petitioner also referred to a judgment of this Court in W.P.No.16166 of 2005, dated 25.07.2005, wherein the action of the Regional Joint Director in directing the Convener to pass orders was questioned, this Court set aside the proceedings and directed the Regional Joint Director of School Education to pass appropriate orders in terms of the clarification given by the Director of School Education dated 18.06.2005.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

In view of the representation already made by the petitioner and further the clarification issued by the Director of School Education with reference to Rule 6 (i) (c) of the Rules, the third respondent is directed to pass appropriate orders expeditiously, preferably within a period of one week from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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02.08.2005

Note: Issue CC by tomorrow.

(b/o)

VGB